

# Computer and Telecommunications Law Review



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On 31 August 2016, the Hong Kong Privacy Commissioner (PC) issued a new Information Leaflet to highlight the personal data privacy risks that employers need to address when developing a bring-your-own-device (BYOD) practice. This new Information Leaflet has been issued against the backdrop of increasing cybersecurity concerns, particularly in the financial industry.

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#### **Case Report: Hyperlinking and the Role of Intention and Knowledge** 198

In its recent decision in *GS Media v Sanoma Media*, the Court of Justice of the EU (CJEU) has arguably brought the law up to date with modern online practices. Website operators are largely free to link to and frame on their websites content which is already available online elsewhere, without fear of repercussions. That activity will not, in a vast number of cases, constitute a communication to the public for the purposes of art.3(1) of the InfoSoc Directive, which is an exclusive right of the copyright holder. However, there are still instances where linking or framing will not be lawful. When that is, is now a question of intention and knowledge of the hyperlinking party.

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The telecommunications sector has seen enormous growth over the past 30 years, driven largely by the twin demands for mobile telephony and internet access. While this growth has been global in nature, Europe has been at the forefront of many market developments. EU telecommunications policy has been pursuing market liberalisation and harmonisation since 1988, beginning with the opening up of the telecommunications equipment market. Europe has experienced notable successes over the years, such as third-generation mobile telephony, and the emergence of global players, such as Nokia and Ericsson. However, in terms of regulatory implications, there are a number of reasons to be optimistic that Brexit may have less impact on the telecommunications industry than in other sector of business. This article examines some of the features of telecommunications law that are likely to militate against any need for a radical overhaul of the current regime, whether the UK's Brexit is hard or soft.

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